

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**TOYOTA JIDOSHA KABUSHIKI KAISHA,
d/b/a TOYOTA MOTOR CORPORATION,
and TOYOTA MOTOR SALES, U.S.A., INC.,**

Plaintiffs,

v.

PARTSITES, LLC, and SCOTT ANDERSON,

Defendants/Third-Party Plaintiffs,

v.

**JOSEPH AIRPORT TOYOTA, and
SUBURBAN TOYOTA,**

Third-Party Defendants.

Case No. 4:18-CV-908-KPJ

ORDER OF DISMISSAL

Pending before the Court is the parties' Joint Motion for Dismissal Pursuant to Rule 41 of the Federal Rules of Civil Procedure (the "Motion") (Dkt. 59). The parties represent they have resolved their differences to their mutual satisfaction and agree to dismissal of this case with prejudice, and with each party to bear their own costs, fees, and expenses. *See* Dkt. 59.¹

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action

¹ Third-Party Defendants, Joseph Airport Toyota and Suburban Toyota, have never been served with the Third-Party Complaint (Dkt. 38), such that they are not parties to this litigation. *See* Dkt. 59.

under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

So ORDERED and SIGNED this 18th day of November, 2019.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE